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ABSTRACT

This document presents definitions, rules, and procedures regarding the granting of permanent status to, or the dismissal of, faculty employees of Whatcom Community College. The procedures are designed to provide safeguards for all parties and to insure faculty participation in these decisions. Rules for the selection, composition (faculty, student, and administrative representation), and procedures of Standing Review Committees, which advise and evaluate probationary appointees, Individual Review Committees, which recommend award or denial of permanent status, and Dismissal Review Committees are stated. Other rules establish the decision-making relationship of these committees to the Board of Trustees and the President. Criteria for the determination of "sufficient cause" in the dismissal of a permanent faculty appointee are given, as well as the rules for dismissal proceedings--including committee recommendation, hearing, decision, and appeal. (BB)

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Whatcom Community College

Policy

Permanent Faculty Status

Adopted by the Board of Trustees
December 24, 1974

JC 750 037

WAC 132U-80-010 PURPOSE. The rules set forth in this chapter are being adopted by the Board of Trustees of Community College District No. 21 in compliance with the provisions of RCW 28B.50.850-869 relating to permanent faculty appointments in order to provide and maintain employment security and academic freedom for all employees of the District with faculty appointments and to insure faculty participation and involvement in decisions regarding the granting of permanent status to, or the dismissal of, faculty employees.

WAC 132U-80-020 DEFINITIONS. For purposes of this chapter the following words shall have the indicated meanings.

(1) "Faculty appointment" shall mean employment as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments; "faculty appointment" shall also mean program coordinators and administrators to the extent that such program coordinators or administrators have had or do have status as a teacher, counselor, or librarian.

(2) "Temporary appointment" shall mean employment in a qualifiedly funded program or special program which will be terminated and not renewed after a definite period of time. Temporary faculty employees shall not be considered to have probationary appointments and shall therefore not be eligible for permanent status; temporary faculty employees may, however, be evaluated by the District in accordance with the District's faculty evaluation process.

(3) "Adjunct faculty appointment" refers to the appointment of an individual who has not met District certification guidelines and is therefore not eligible for permanent status. An individual with an adjunct faculty appointment may, however, be evaluated by the District in accordance with the District's faculty evaluation process.

(4) "Probationary faculty appointment" shall mean a faculty appointment for a designated term of employment which may be terminated without cause upon expiration of the term of employment. A faculty member must meet the District's certification requirements in order to achieve probationary status.

(5) "Permanent faculty appointment" shall refer to the type of appointment held by an individual faculty member who has been awarded permanent status by the Board of Trustees of Community College District No. 21. A permanent faculty appointment may be revoked only for adequate cause and by due process.

(6) "Administrative appointment" shall mean an appointment in a specific administrative position as determined by the appointing authority.

(7) "Standing Review Committee" shall mean a committee composed of three representatives of the faculty selected by the faculty at large, a student representative selected by the students of the District, and a member of the District's administrative staff selected by the President. The Standing Review Committee will be responsible for the evaluation of each probationary faculty member during the first six consecutive quarters of probationary status; the six consecutive quarters may, at the option of the faculty member, include all summer quarters worked under contract.

(8) "Individual Review Committee" shall mean a committee composed of three of the probationer's faculty peers

selected by mutual agreement of the probationer and the probationer's supervisor from a pool of faculty members chosen by the faculty at large, a student representative selected by the students of the District, and a member of the District's administrative staff selected by the President. The majority of the Individual Review Committee shall consist of the probationer's faculty peers. The Individual Review Committee will be responsible for the evaluation of an individual probationary faculty member during the seventh and eighth consecutive quarters of probationary status; the seventh or eighth consecutive quarter may, at the option of the faculty member, include a summer quarter worked under contract.

(9) "Faculty Member" or "Academic Employee" shall mean any employee of the District with a faculty appointment.

WAC 132U-80-030 WRITTEN AGREEMENT. The District shall provide each faculty member, immediately upon employment, with a written agreement which delineates the terms and conditions of the faculty member's appointment.

WAC 132U-80-040 SALARY AND ASSIGNMENT POINTS FOR PROBATIONARY EMPLOYEES. The District will allocate salary and assignment points to individuals having probationary faculty appointments. The District may, during successive academic quarters, vary a probationary faculty member's salary and assignment points where necessary or appropriate to the college's educational program. A probationary faculty member shall not be entitled to any particular number of salary and assignment points during any particular quarter of the probationary period.

WAC 132U-80-050 SALARY AND ASSIGNMENT POINTS FOR PERMANENT FACULTY EMPLOYEES. A faculty member having a permanent faculty appointment shall be entitled to receive during each quarter of the regular academic year a salary and assignment point total which is not less than the average of that faculty member's quarterly salary and assignment point total during the preceding six regular academic quarters.

WAC 132U-80-060 STANDING REVIEW COMMITTEE. (1) Each faculty member having a probationary faculty appointment shall be subject to continuing evaluation by the District throughout the probationary period.

(2) Until such time as a faculty member has been employed under a probationary faculty appointment with the District for six consecutive quarters (including, at the option of the faculty member, summer quarters worked under contract), the Standing Review Committee shall have responsibility for the faculty member's evaluation.

WAC 132U-80-065 -----PURPOSE AND RESPONSIBILITY. The purpose and responsibility of the Standing Review Committee shall be to assess and advise the probationer of his professional strengths and weaknesses and to make reasonable efforts to encourage and aid the probationer to overcome any indicated deficiencies. The Standing Review Committee's evaluation of the probationer shall be directed toward, and shall result in, a determination as to whether the probationer possesses the necessary personal characteristics and professional competence to perform effectively in his appointment.

WAC 132U-80-070 -----PROCEDURES AND CRITERIA. The Standing Review Committee shall, immediately after being appointed, establish the procedures that the committee will follow, and the criteria which the committee will utilize, in evaluating the performance and professional competence of the probationary employees. The committee will base its procedures and criteria on guidelines established, after consultation with faculty and students, by the District's Instructional Team.

WAC 132U-80-080 -----RECOMMENDATION NOT TO RENEW PROBATIONARY APPOINTMENT. The Standing Review Committee may recommend to the District President that the probationary faculty appointment of a particular individual faculty member not be renewed.

(2) In the event the Standing Review Committee determines to recommend that an individual's probationary faculty appointment not be renewed, the committee shall forward to the affected faculty member and to the District President a written recommendation of non-renewal. The Standing Review Committee must forward its written recommendation of non-renewal by not later than the eighth week of the quarter during which the committee arrives at its determination to recommend non-renewal.

WAC 132U-80-090 NON-RENEWAL OF PROBATIONARY APPOINTMENT. (1) The District President shall have the final authority to determine whether to renew a faculty member's probationary faculty appointment upon expiration of the designated term of employment.

(2) The appointment of a probationary faculty member may be terminated (non-renewed) upon expiration of the faculty member's designated term of employment without cause and without opportunity for hearing.

(3) Whenever the District President determines not to renew the probationary appointment of a faculty member in his or her third or more consecutive quarter of probationary faculty employment, the President shall notify the probationer in writing of such decision by not later than the last day of the regular academic quarter prior to the regular academic quarter at the end of which the non-renewal will become effective. A probationary faculty member who is not in his third or subsequent consecutive quarter of pro-

bationary faculty employment may be terminated (non-renewed) without advance notice upon expiration of the faculty member's designated term of employment.

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WAC 132U-80-100 INDIVIDUAL REVIEW COMMITTEE. (1) An Individual Review Committee shall be established for each probationary faculty member who has completed six consecutive quarters (including, at the option of the faculty member, summer quarters worked under contract) of probationary faculty employment with the District. The Individual Review Committee shall serve as a review committee for the probationary faculty member until such time as the probationer is either granted permanent status or terminated from employment with the District.

(2) An Individual Review Committee shall be established for each probationary faculty employee within thirty days after the employee completes the sixth consecutive academic quarter of probationary faculty employment with the District.

WAC 132U-80-105 -----PURPOSE. The general purpose and responsibility of an Individual Review Committee shall be to assess the probationer's professional strength and weaknesses and to make reasonable efforts to encourage and aid the probationer to overcome any indicated deficiencies. The Individual Review Committee's evaluation of the probationer shall be directed toward, and shall result in, a determination of whether the probationer possesses the necessary personal characteristics and professional competence to perform effectively in his appointment.

WAC 132U-80-110 -----PROCEDURES AND CRITERIA. Each Individual Review Committee shall, immediately after being appointed, establish the procedures that the committee will follow, and the criteria which the committee will utilize, in evaluating the performance and professional competence of the probationary employee. The committee will base its procedures and criteria on guidelines established, after consultation with faculty and students, by the District's Instructional Team.

WAC 132U-80-115 -----ONGOING EVALUATION. (1) The Individual Review Committee shall conduct an ongoing evaluation of the probationary faculty member. In connection with this ongoing evaluation the committee shall:

(a) Review the recommendations of the Standing Review Committee and the evaluations of the probationer's supervisors and/or program implementors;

(b) meet with the probationer at least twice during each regular academic quarter to advise the probationer of his professional strengths and weaknesses and to make reasonable efforts to encourage and aid the probationer to overcome any indicated deficiencies;

(c) prepare written reports concerning the probationer's

evaluation and forward such reports to the probationer and to the District.

(i) The Committee shall forward to the probationer and to the appointing authority a written evaluation of the probationer's performance, including the degree to which the probationer has overcome noted deficiencies, on or before the last day of the tenth week of the probationer's seventh consecutive academic quarter of employment with the District. The committee shall obtain the probationer's written acknowledgment of receipt of the written evaluation.

(ii) The committee shall forward to the probationary faculty member and to the District a written recommendation concerning the award or denial of permanent status to the probationer by not later than the last day of the fifth week of the probationer's eighth consecutive academic quarter of employment with the District.

(iii) The committee shall have authority to forward to the probationer and to the District written recommendations concerning the award or denial of permanent status to the probationer at any time during the probationary period.

(2) The failure of the Individual Review Committee to make a written recommendation pursuant to this section concerning the award or denial of permanent status to the probationary faculty member shall be deemed to be neither a recommendation for nor a recommendation against the granting of permanent status, and the District may award or deny permanent status to the probationer based upon other evidence concerning the performance, competence, strengths and weaknesses of the probationer, notwithstanding the failure of the Individual Review Committee to submit a written recommendation.

WAC 132U-80-125 DECISION TO AWARD OR WITHHOLD PERMANENT STATUS. (1) The Board of Trustees of the District shall have final authority to determine whether to award permanent status to a probationary faculty member.

(2) In determining whether to award permanent status to a probationary faculty member the Board of Trustees will give reasonable consideration to the recommendations of the faculty member's Standing Review Committee and Individual Review Committee. The Board of Trustees shall not be bound by the recommendations of the review committees.

(3) A faculty member having a probationary appointment shall be notified of the Board of Trustees' decision concerning the granting or denial of permanent status to that faculty member by not later than the last day of the faculty member's eighth consecutive regular academic quarter of probationary employment with the District.

(i) If the Board of Trustees determines not to award permanent status to a probationary faculty member, the probationer will be notified that his appointment with the District will not be renewed subsequent to the end of the probationer's next regular academic quarter of probationary employment with the District.

(4) The provisions of WAC Sections 132U-80-020 through 132U-80-125 shall become effective on April 1, 1975.

(a) A faculty member employed by the District as of April 1, 1975, shall be given credit for any and all consecutive quarters of employment accrued to that time (including, at the option of the faculty member, summer quarters worked under contract) in determining that faculty member's eligibility for permanent status.

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WAC 132U-80-200 DISMISSAL OF FACULTY. A faculty member with a permanent faculty appointment shall not be dismissed from employment with the District except for sufficient cause. A faculty member with a probationary faculty appointment shall not be dismissed from employment with the District, prior to the expiration of the faculty member's designated term of appointment, except for sufficient cause.

WAC 132U-80-205 SUFFICIENT CAUSE. Sufficient cause for the dismissal of a faculty member under the provisions of Sections 132U-80-200 through 132U-80-265 shall include, but shall not be limited to, the following:

- (1) Aiding and abetting or participating in:
 - (a) Any unlawful act of violence.
 - (b) Any unlawful act resulting in destruction of District property.
 - (c) Any unlawful interference with the orderly conduct of the educational process.
- (2) Incompetence.
- (3) Neglect of duty.
- (4) Insubordination.
- (5) Conduct which is unbecoming a member of the faculty and which is detrimental to the educational objectives of the college.
- (6) Conviction of a crime involving moral turpitude.
- (7) Willful or knowing violation of District policies, rules or regulations.
- (8) Gross misconduct.
- (9) Malfeasance.

WAC 132U-80-210 DISMISSAL REVIEW COMMITTEE. (1) A Dismissal Review Committee created for the express purpose of hearing cases involving the dismissal of faculty members under the provisions of WAC 132U-80-200 through 132U-80-265 shall be established by not later than October 15th of each academic year. A Dismissal Review Committee shall be composed of representatives of the teaching faculty, a student representative selected by the students of the District, and a member of the District's administrative staff selected by the President. A majority of the members of the Dismissal Review Committee shall consist of representatives of the teaching faculty.

(2) It shall be the responsibility of a Dismissal Review Committee to prepare written recommendations for the Board of Trustees relating to whether sufficient cause exists to warrant the dismissal of a faculty member.

WAC 132U-80-220 INITIATION OF DISMISSAL PROCEEDINGS.

(1) The Dean of Instruction shall have initial responsibility for determining whether sufficient cause may exist to warrant the dismissal of a faculty member. If the Dean of Instruction determines that there may be sufficient cause for the dismissal of a faculty member, he shall so notify the District President.

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(2) Whenever the President believes that dismissal proceedings should be instituted against a faculty member under the provisions of this chapter the President shall formulate a written statement which specifies with reasonable particularity the facts, circumstances, and/or charges which constitute the basis for the proposed dismissal.

(3) The President shall forward the written statement of charges to the affected faculty member and to the Dismissal Review Committee. The President shall request the Dismissal Review Committee to review the matter to determine whether sufficient cause exists for the dismissal of the affected faculty member and to make recommendations concerning the propriety of dismissal of the faculty member to the Board of Trustees.

(4) The Dismissal Review Committee shall, after receiving from the President a written statement of particulars, establish a date for a hearing with regard to the matter in question. The committee shall notify the affected faculty member in writing of the time, date, and place of the hearing.

WAC 132U-80-230 HEARINGS. (1) In any dismissal hearing conducted under the provisions of this chapter the Dismissal Review Committee shall:

(a) Receive evidence and hear testimony from all interested persons, including but not limited to other faculty members and students.

(b) Afford to the parties the right of cross-examination and the opportunity to be represented by counsel.

(2) In any dismissal hearing conducted under the provisions of this chapter the Dismissal Review Committee may afford the parties an opportunity to present oral argument or written briefs in support of their positions.

(3) Dismissal review hearings shall be closed hearings, and interested persons other than the parties involved shall be permitted to be present only for the purpose of presenting evidence with regard to the issues presented by the case.

WAC 132U-80-235 NEUTRAL HEARING OFFICER. The Board of Trustees shall appoint a neutral hearing officer to preside over each dismissal review hearing. The neutral hearing officer shall not be a voting member of the Dismissal Review Committee. It shall be the responsibility of the neutral hearing officer to

(a) Make all rulings regarding evidentiary and procedural issues presented during the course of the dismissal review hearings;

(b) meet and confer with the members of the Dismissal Review Committee and advise them in regard to procedural and evidentiary issues considered during the course of the committee's deliberations;

(c) appoint a Court Reporter if requested to do so by either party, who shall operate at the direction of the hearing officer and shall record all testimony, receive all exhibits and other evidence introduced during the course of the hearings, and record any other matters relating to the hearing as directed by the hearing officer;

(d) prepare a record which shall include all pleadings, motions and rulings; all evidence received or considered; a statement of any matters officially noticed; all offers of proof and objections and rulings thereon; proposed findings and exceptions; a copy of the recommendations of the Dismissal Review Committee;

(e) make all materials received in connection with the hearing available to the parties for inspection or copying.

WAC 132U-80-240 WRITTEN RECOMMENDATION BY REVIEW COMMITTEE.

The Dismissal Review Committee shall prepare written recommendations concerning the dismissal of a faculty member within ten (10) calendar days after the completion of the faculty member's dismissal review hearing. The Review Committee's recommendations shall be immediately forwarded to the Board of Trustees and to the affected faculty member.

WAC 132U-80-245 DECISION BY BOARD OF TRUSTEES. (1) The

Board of Trustees shall have final authority to determine whether any faculty member should be dismissed under the provisions of this chapter.

(2) The recommendations submitted to the Board of Trustees by a Dismissal Review Committee shall be advisory only and shall not be binding upon the Board of Trustees. In determining whether to dismiss a faculty member under the provisions of this chapter the Board of Trustees shall only be required to give reasonable consideration to the recommendations of the Dismissal Review Committee.

(3) The Board of Trustees may request the parties to participate in such other proceedings, or furnish such additional evidence or information to the Board as the Board may deem necessary or appropriate to final decision in the matter.

(4) The Board of Trustees will notify the affected faculty member in writing of the Board's decision concerning the dismissal or retention of the faculty member.

WAC 132U-80-250 SUSPENSION. (1) At any time after the

District President forwards to the Dismissal Review Committee and the affected faculty member the written statement of charges in support of the request for dismissal, the President may suspend the faculty member in question where such suspension is in the best interest of the District. A suspended faculty member shall not be entitled to salary or other benefits while under suspension.

(2) If the Board of Trustees determines not to dismiss a faculty member who has been suspended during the dismissal review proceedings, the faculty member will be awarded any salary payments or other benefits which have been withheld during the period of suspension.

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WAC 132U-80-255 RECORDS. (1) All records and reports prepared or collected in connection with dismissal review proceedings conducted under this chapter shall be held in confidence by the Dismissal Review Committee, the President, the appointing authority, and the affected faculty member except where otherwise required by law. Except for routine announcement relating to the time and place of dismissal review hearings, no public statements concerning dismissal review proceedings shall be made by any party to or participant in the proceedings until after the Board of Trustees has issued its final written recommendation.

(2) All facts and materials relating to dismissal proceedings against a faculty member will be retained in the faculty member's personnel file.

WAC 132U-80-265 APPEAL. A faculty member dismissed from employment with the District under the provisions of this chapter shall have a right to appeal the final decision of the Board of Trustees in accordance with the provisions of RCW 28B.19.150.

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